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## 20BU-CV02192 - MAKESHIA STONE V WAL-MART (E-CASE)

<a href="#">Case Header</a>	<a href="#">Parties &amp; Attorneys</a>	<a href="#">Docket Entries</a>	<a href="#">Charges, Judgments &amp; Sentences</a>	<a href="#">Service Information</a>	<a href="#">Filings Due</a>	<a href="#">Scheduled Hearings &amp; Trials</a>	<a href="#">Civil Judgments</a>	<a href="#">Garnishments/ Execution</a>
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- 07/16/2020 ☐ [Notice of Service](#)  
SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI RETURNED SERVED  
**Filed By:** JAY ALLISON  
**On Behalf Of:** MAKESHIA STONE
- 07/08/2020 ☐ [Agent Served](#)  
Document ID - 20-SMOS-33; Served To - WALMART; Server - ; Served Date - 08-JUL-20; Served Time - 13:37:00; Service Type - Special Process Server; Reason Description - Served; Service Text - PAT FLAKE - WALMART LEGAL
- 06/25/2020 ☐ [Summ Issd- Circ Pers Serv O/S](#)  
Document ID: 20-SMOS-33, for WALMART. - SUMMONS ISSUED
- ☐ [Trial Setting Scheduled](#)  
**Scheduled For:** 09/25/2020; 8:30 AM ; DANIEL F KELLOGG; Buchanan
- ☐ [Judge Assigned](#)
- ☐ [Filing Info Sheet eFiling](#)  
**Filed By:** JAY ALLISON
- ☐ [Summ Req-Circ Pers Serv O/S](#)  
REQUEST FOR OUT OF STATE SUMMONS.  
**Filed By:** JAY ALLISON  
**On Behalf Of:** MAKESHIA STONE
- ☐ [Confidential Address Filed](#)  
CONFIDENTIAL CASE INFORMATION SHEET.  
**Filed By:** JAY ALLISON
- ☐ [Pet Filed in Circuit Ct](#)  
PETITION FOR DAMAGES.  
**Filed By:** JAY ALLISON



# IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

Judge or Division: DANIEL F KELLOGG	Case Number: 20BU-CV02192
Plaintiff/Petitioner: MAKESHIA STONE	Plaintiff's/Petitioner's Attorney/Address: JAY ALLISON TIEMAN, SPENCER & HICKS 702 FELIX SAINT JOSEPH, MO 64501
vs.	
Defendant/Respondent: WAL-MART	Court Address: BUCHANAN CO COURTHOUSE 411 JULES ST SAINT JOSEPH, MO 64501
Nature of Suit: CC Pers Injury-Vehicular	<b>STATUS REVIEW HEARING DATE: 9-25-20 @ 8:30AM, DIV 4</b>

(Date File Stamp)

## Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: **WAL-MART**  
Alias:

SERVE REGISTERED AGENT  
702 SW 8TH ST  
BENTONVILLE, AR 72716

COURT SEAL OF



BUCHANAN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

Thursday, June 25, 2020

Date

/s/K. DOBOSZ, Deputy Clerk

Clerk

Further Information:

### Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other: \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

**Subscribed and sworn to** before me this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

### Service Fees

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

### **Directions to Officer Making Return on Service of Summons**

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

## IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

MAKESHIA STONE	)	
2410 El Tivoli	)	
St. Joseph, Missouri 64507	)	
	)	Case No.:
Plaintiff,	)	
vs.	)	
	)	
WAL-MART	)	
Serve at:	)	
702 SW 8 <sup>th</sup> Street	)	
Bentonville, Arkansas 72716	)	
Defendant.	)	

**REQUEST FOR OUT OF STATE SUMMONS**

COMES NOW Plaintiff, Makeshia Stone, by and through her attorney, Jay M. Allison, and hereby requests the court to issue an out of state summons to be served upon Defendant, who is out of the State of Missouri:

Serve Registered Agent at  
Wal-Mart  
702 SW 8<sup>th</sup> St.  
Bentonville, AR 72716

Respectfully submitted,

**TIEMAN, SPENCER & HICKS, LLC**

*/s/ Jay M. Allison*

By: \_\_\_\_\_  
Jay M. Allison MO #49606  
702 Felix  
St. Joseph, MO 64501  
Telephone: 816.279.3000  
Facsimile: 816.279.3066  
Email: [jay.allison@tshhlaw.com](mailto:jay.allison@tshhlaw.com)  
**ATTORNEYS FOR PLAINTIFF**

## IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

MAKESHIA STONE	)	
2410 El Tivoli	)	
St. Joseph, Missouri 64507	)	
	)	Case No.:
Plaintiff,	)	
vs.	)	
	)	
WAL-MART	)	
Serve at:	)	
702 SW 8 <sup>th</sup> Street	)	
Bentonville, Arkansas 72716	)	
Defendant.	)	

**PETITION FOR DAMAGES**

COMES NOW, Plaintiff, Makeshia Stone (hereinafter called, "Plaintiff"), by and through her attorney, Jay M. Allison, and for her cause of action against Defendant Wal-Mart (hereinafter after called "Defendant Wal-Mart") , states and alleges as follows:

1. Plaintiff is currently a resident of Buchanan County residing at 2410 El Tivoli, St. Joseph, Missouri.
2. Defendant Wal-Mart is a corporation, based on information and belief, and was at all relevant times a foreign corporation, doing business in Buchanan County, Missouri.
3. Defendant Wal-Mart, at all relevant times, generally availed itself of the privilege of doing business in the State of Missouri and committed a tort in the State of Missouri and is otherwise subject to the personal jurisdiction of this Court.
4. Venue is proper in the Circuit Court of Buchanan County, Missouri because the present cause of action is a tort in which Plaintiff was first injured in St. Joseph, Buchanan

County, Missouri, at the Wal-Mart store, located at 4201 N. Belt Highway, St. Joseph, Buchanan County, Missouri, owned by Defendant Wal-Mart, and, at all times relevant to this petition, operated, maintained and/or controlled by Defendant Wal-Mart.

5. On or about September 17, 2015, Plaintiff was lawfully upon the premises of the property located at or near 4201 N Belt Highway, St. Joseph, Buchanan County, Missouri.

6. On or about September 17, 2015, a dangerous condition existed on Defendant's premises, namely a wet floor, in the aisle of the dairy section located on the property in question.

7. On or about September 17, 2015, Plaintiff was on the premises to purchase items sold by Defendant Wal-Mart.

8. Plaintiff was looking for the items she planned on purchasing when she came into contact with the wet floor in the aisle of the dairy section.

9. Due to the conditions described above, Plaintiff was caused to slip and fall which caused her to suffer serious and permanent injuries to her neck, back, bilateral shoulders, left leg, bilateral hands, and psyche.

10. The area of the premises where Plaintiff slipped and fell was in an area of the premises used by employees, business visitors, and licensees.

11. Defendants had a duty to exercise ordinary care to maintain the premises in a reasonably safe condition free from dangerous conditions and owed a duty to Plaintiff to warn of the existence of said dangerous conditions.

12. The condition of the property, as described above, was a dangerous condition at the time of the injury, Plaintiff's injuries directly resulted from the dangerous condition, the dangerous condition created a reasonably foreseeable risk of harm of the kind of injury that

Plaintiff incurred, and that either a negligent or wrongful act or omission of an employee or agent of Defendant Wal-Mart, within the course of his/her employment created the dangerous condition and/or Defendant Wal-Mart had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition; therefore, Defendant Wal-Mart has expressly waived sovereign immunity pursuant to R.S.Mo Section 537.600.1(2).

13. Defendant needlessly endangered Plaintiff and were negligent in the following respects:

- a. Defendant failed to properly inspect the premises in such a manner that would have prevented this fall and similar falls to other patrons;
- b. Defendant failed to properly supervise and maintain the premises in such a manner that would have prevented this fall and similar falls to other patrons;
- c. Defendant failed to repair, remedy, or even warn of the dangerous condition on the premises in such a manner that would have prevented this fall and similar falls to other patrons;
- d. Defendant failed to employ and/or hire competent employees and/or contractors and/or subcontractors to prevent the conditions that led to Plaintiff's fall;
- e. In other respects, not known at this time.
- f. Defendant thereby created a false sense of safety for its patrons, including Plaintiff, who utilized its premises.

6. As set forth above, the condition on the premises which caused Plaintiff to slip and fall had existed for such a length of time before Plaintiff's fall that in the exercise of reasonable care, Defendant should have known it constituted a dangerous condition.

7. Further, Defendant had actual knowledge of the dangerous conditions, or by using ordinary care could have known of the conditions of Defendants' premises, at the time of Plaintiff's fall.

8. As a direct and proximate result of the dangerous conditions of the premises and Defendant's negligence, on or about September 17, 2015, Plaintiff slipped and fell and suffered severe injuries, including, not limited to:

- a. Low back pain with radiculopathy;
- b. Lumbar degenerative disc disease;
- c. Bilateral shoulder pain;
- d. Chronic neck pain;
- e. Numbness and tingling in bilateral hands;
- f. Cervicalgia;
- g. Neuritis;
- h. Neuralgia;
- i. Fibromyalgia;
- j. Anxiety;
- k. Depression;
- l. PTSD;
- m. Pain in left lower leg with numbness;



- n. Loss of personal time;
- o. Diminution of her ability to enjoy her customary way of life as she did prior to said injuries; and
- p. Daily living activities.

9. Plaintiff continues to suffer symptoms from her injuries, one or more of which are reasonably expected to be permanent and progressive in nature.

10. As a direct and proximate result of Defendant's negligence, Plaintiff has incurred expenses for medical treatment and will incur expenses for future medical treatment of injuries caused by the September 17, 2015 fall.

**WHEREFORE**, Plaintiff requests judgment against Defendant Wal-Mart in an amount that is fair and reasonable, and in excess of **Twenty-Five Thousand and 00/100 Dollars (\$25,000.00)**; for her costs in bringing this action; and for such other and further relief as this Court deems just, proper, or equitable.

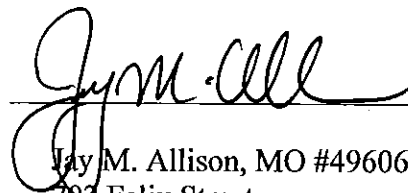
**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues.

Respectfully submitted,

**TIEMAN, SPENCER & HICKS**

By: \_\_\_\_\_



Jay M. Allison, MO #49606  
702 Felix Street  
St. Joseph, Missouri 64501  
Phone (816) 279-3000  
Fax (816) 279-3066

**ATTORNEYS FOR PLAINTIFF**

Return



## IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

Judge or Division: DANIEL F KELLOGG	Case Number: 20BU-CV02192
Plaintiff/Petitioner: MAKESHIA STONE	Plaintiff's/Petitioner's Attorney/Address: JAY ALLISON TIEMAN, SPENCER & HICKS 702 FELIX SAINT JOSEPH, MO 64501
Defendant/Respondent: WAL-MART	Court Address: BUCHANAN CO COURTHOUSE 411 JULES ST SAINT JOSEPH, MO 64501
Nature of Suit: CC Pers Injury-Vehicular	STATUS REVIEW HEARING DATE: 9-25-20 @ 8:30AM, DIV 4

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)The State of Missouri to: WAL-MART  
Alias:SERVE REGISTERED AGENT  
702 SW 8TH ST  
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COURT SEAL OF



BUCHANAN COUNTY

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Thursday, June 25, 2020

Date

/s/K. DOBOSZ, Deputy Clerk

Clerk

Further Information:

## Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is Deputy of Benton County, AR (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with \_\_\_\_\_, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
  - ☒ (for service on a corporation) delivering a copy of the summons and a copy of the petition to Pat Flake (name) Walmart Legal (title).
  - ☐ other: \_\_\_\_\_

Served at 702 SW 8th St, Bentonville, AR (address)  
in Benton County, AR (state), on 7/8/20 (date) at 1357 (time).

Dep. J. Herod

Printed Name of Sheriff or Server

Subscribed and sworn to before me this

8th

(day)

Signature of Sheriff or Server

JULY

(month)

2020

(year).

DENISE FONESI am: (check one) ☐ the clerk of the court of which affiant is an officer.

Notary Public, Notary Seal

State of Missouri

(Seal) Andrew County

Commission # 18599356

My Commission Expires 05-13-2022

☐ the judge of the court of which affiant is an officer.☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)☒ authorized to administer oaths. (use for court-appointed server)

Denise Jones

Signature and Title

## Service Fees

Summons \$ \_\_\_\_\_  
Non Est \$ \_\_\_\_\_  
Mileage \$ \_\_\_\_\_ ( \_\_\_\_\_ miles @ \$ \_\_\_\_\_ per mile)  
Total \$ \_\_\_\_\_

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## IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

Judge or Division: DANIEL F KELLOGG	Case Number: 20BU-CV02192
Plaintiff/Petitioner: MAKESHIA STONE	Plaintiff's/Petitioner's Attorney/Address: JAY ALLISON TIEMAN, SPENCER & HICKS 702 FELIX SAINT JOSEPH, MO 64501
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Thursday, June 25, 2020

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/s/K. DOBOSZ, Deputy Clerk

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Dep. J. Herod

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(day)

Signature of Sheriff or Server

JULY

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(year).

DENISE FONESI am: (check one) ☐ the clerk of the court of which affiant is an officer.

Notary Public, Notary Seal

State of Missouri

(Seal) Andrew County

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☐ the judge of the court of which affiant is an officer.☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)☒ authorized to administer oaths. (use for court-appointed server)

Denise Jones

Signature and Title

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